



Jeb Bush  
Governor

# Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926  
Telephone: 813-632-7600

Colleen M. Castille  
Secretary

FEB 21 2006

U.S. Army Corps of Engineers  
c/o Richard E. Bonner, P.E.  
Deputy District Engineer  
P.O. Box 4970  
Jacksonville, FL 32232

Dear Mr. Bonner:

Enclosed is the Conceptual Permit, DEP Project No. 52-0255101-001, issued pursuant to part IV of Chapter 373, Florida Statutes, and Title 62 Florida Administrative Code.

Appeal rights for you and for any affected third party are described in the text of the Permit along with conditions, which must be met when authorized activities are undertaken.

You, as the applicant, are responsible for all aspects of permit compliance. You should therefore review this permit document carefully to ensure compliance with the general conditions, and specific conditions contained herein.

Please be aware of permit specific condition number 4 which states that this conceptual permit does not authorize any of the construction or impact to wetlands or other surface waters. Also, specific condition number 7 requires the applicant to apply for an Environmental Resource Permit within 2 years of the conceptual permit issuance date. Specific condition number 10 states that additional information will be required with the subsequent Environmental Resource Permit Application for construction activities.

If you have any questions about this document, please contact me at (813) 632-7600, ext.430.

Thank you for your participation in the permit process and in managing the natural resources of the State of Florida.

Sincerely yours,

Allyson Minick  
Environmental Specialist  
Environmental Resource Management

Attachment: Conceptual Permit No.: 52-0255101-001 with enclosures (21 pages)

*"More Protection, Less Process"*

*Printed on recycled paper.*



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## ENVIRONMENTAL RESOURCE PERMIT

### PERMITTEE/AUTHORIZED ENTITY:

U.S. Army Corps of Engineers  
c/o Richard E. Bonner, P.E.  
Deputy District Engineer  
P.O. Box 4970  
Jacksonville, FL 32232

Permit/Authorization Number:

52-0255101-001

Date of Issue: **FEB 21 2006**

Expiration Date (20 years):

County: Pinellas

Project: Stevenson Creek Restoration

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This permit is issued under the authority of Part IV of Chapter 373, F.S., and Title 62, Florida Administrative Code (F.A.C.). The activity is not exempt from the requirement to obtain an environmental resource permit. Pursuant to the Written Agreement Pursuant to Special Cases Section of the Operating Agreement between the Department and the Southwest Florida Water Management District executed on September 12, 2005, the Department is responsible for reviewing and taking final agency action on this activity.

This permit also constitutes certification compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

The Department acknowledges that flood control dredging associated with the restoration of Stevenson Creek falls within one of the federal powers listed in the Submerged Lands Act under 43 USC 1311(d) or 43 USC 1314, and, under those provisions, needs no authorization from the Board of Trustees to utilize sovereignty submerged lands. However, under the provisions of the Coastal Zone Management Act (16 USC 1451-1465) this activity requires Florida's concurrence with a determination of consistency with the sovereignty submerged lands provisions of Florida's approved Coastal Management program prior to Federal approval of the proposed activity. The State has determined that the activity is consistent with the sovereignty submerged lands provisions of Florida's approved Coastal Management program.

**SPGP REVIEW- NOT APPROVED**

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A copy of this authorization has also been sent to the U.S. Army Corps of Engineers (USACOE) for review. The USACOE may require a separate permit. Failure to obtain this authorization prior to construction could subject you to enforcement action by that agency. You are hereby advised that authorizations also may be required by other federal, state, and local entities. This authorization does not relieve you from the requirements to obtain all other required permits and authorizations.

The above named permittee is hereby given conceptual approval of the activities shown on the application and approved conceptual drawings attached hereto or on file with the Department and made a part hereof. This permit is subject to the limits, conditions, and locations of work shown in the attached drawings, and is also subject to the attached one through **25** General Conditions and **13** Specific Conditions, which are a binding part of this permit. You are advised to read and understand these drawings and conditions to ensure that the conceptually approved work is conducted in conformance with all the terms, conditions, and drawings. If you are utilizing a contractor, the contractor also should read and understand these drawings and conditions prior to commencing the authorized activities. Failure to comply with all drawings and conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

#### **ACTIVITY DESCRIPTION:**

The applicant, U.S. Army Corps of Engineers, applied on January 28, 2005 to the Department of Environmental Protection for a permit/water quality certification for the conceptual approval of the restoration of Stevenson Creek. The proposed restoration plan includes dredging of 132,500 cubic yards of muck from within Stevenson Creek. The specific reach for this restoration project is 29 acres located between North Fort Harrison Avenue (Edgewater Drive) and the Pinellas Trail (Reach 1) and between the Pinellas Trail and Douglas Avenue (Reach 2). Reach 1 of the restoration plan involves the removal of material from bank to bank to an elevation of -3.5 NGVD, the retention of the existing littoral shelf and/or the creation of a new littoral shelf shall along the existing bank and the creation of 3.2 acres of mangrove habitat. The mangrove habitat shall consist of two planting areas, 1.7 acres southeast of North Fort Harrison Drive and 1.5 acres of mangrove habitat northwest of the Pinellas Trail. The planting shall consist of a combination of Red Mangroves (*Rhizophora mangle*) and Black Mangroves (*Avicenna germinans*). Restoration activities within Reach 2 include removal of mucky material from bank to bank to an elevation of -2.5 NGVD and the retention of the existing littoral shelf and/or the creation of a new littoral shelf along the existing bank of Reach 2. In total 4.88 acres of littoral shelf will be retained and/or created at the project site. Removal of 1 acre of invasive exotic species shall occur along the shoreline in areas adjacent to the North Fort Harrison Avenue Bridge, the Pinellas Trail Bridge, and Douglas Avenue Bridge.

Sediment removal and disposal methods shall be determined based upon the results of the Standard Elutriate and Synthetic Precipitate Leachate Procedure (SPLP) required by the Department.

The Department acknowledges that the Corps is required by law to allow for fair competition for all types of dredging methods and therefore can not specify the dredging methodology to be utilized at this time.

**ACTIVITY LOCATION:**

The activity is located between North Fort Harrison and Douglas Avenue Bridges, within Stevenson Creek, part of the Pinellas County Aquatic Preserve, a Class III Outstanding Florida Waterbody, Clearwater, Sections 3 & 4, Township 29 South, Range 15 East, Pinellas County.

**GENERAL CONDITIONS:**

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by Department staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner, which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the Department as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of

sampling and total monthly volume discharged from the property or into surface waters of the state.

5. Department staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the Department as a permit prior to the dewatering event as a permit modification. The permittee is advised that the rules of the Southwest Florida Water Management District state that a water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
6. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
7. Off site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operation schedules satisfactory to the Department.
8. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
9. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
  - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
  - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
  - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
10. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.

11. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Department a written notification of commencement using an "Environmental Resource Permit Construction Commencement" notice (Form No. 62-343.900(3), F.A.C.) indicating the actual start date and the expected completion date.
12. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
13. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required "Environmental Resource Permit As-Built Certification by a Registered Professional" (Form No. 62-343.900(5), F.A.C.), and "Request for Transfer of Environmental Resource Permit Construction Phase to Operation Phase" (Form 62-343-900(7), F.A.C.). Additionally, if deviations from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.
14. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the Department, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
15. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the Department determines the system to be in compliance with the permitted plans, and the entity approved by the Department accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the Department until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the Department, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the Department, if different from the permittee. Until a transfer is approved by the Department pursuant to Section 62-343.110(1)(d), F.A.C., the permittee shall be liable for compliance with the terms of the permit.

16. Should any other regulatory agency require changes to the permitted system, the Department shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
17. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
18. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.
19. The permittee is hereby advised that Section 253.77, F.S., states that a person may not commence any excavation, construction, other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
20. The permittee shall hold and save the Department harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the Department in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of section 62-343.130, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, Department authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with Department rules, regulations and conditions of the permits.

24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the Department and the Florida Department of State, Division of Historical Resources.

25. The permittee shall immediately notify the Department in writing of any previously submitted information that is later discovered to be inaccurate.

**SPECIFIC CONDITIONS:**

1. Submittals required herein shall be directed to:

Department of Environmental Protection  
Environmental Administrator  
Environmental Resource Management Program  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637

hereafter referred to as "the Department". Submittals include, but are not limited to, record drawings, progress reports, mitigation monitoring reports and water quality monitoring reports.

Submittals shall include the permittee's name and permit number.

2. The permittee shall comply with all general and specific conditions included within this conceptual permit. Failure to comply with all permit conditions shall constitute grounds for revocation of the permit and appropriate enforcement action.

3. If the approved permit, drawings and the Specific Conditions contradict each other, then the Specific Conditions shall prevail.

4. This Conceptual Environmental Resource Permit is issued under Chapter 62-343.060 F.A.C. and **does not authorize** any upland construction or alteration activities or impact to wetlands or other surface waters associated with work described herein. Any such authorization shall require submittal of an Individual or Standard General Environmental Resource Permit (ERP) application and subsequent issuance of an ERP. This permit is binding on the issuance of future construction permits only to the extent that adequate data has been submitted for review by the applicant during the review process.

5. Issuance of this conceptual permit does not authorize construction activities described herein to be conducted in multiple phases. The permittee shall apply for one construction permit inclusive of all activities.



6. The Department has hereby conceptually approved the work described in the application and approved location maps attached hereto or on file with the Department and made a part hereof.
7. Unless revoked, extended or otherwise modified, the duration of a permit under Chapter 62-343.110, F.A.C., is twenty years from the date of issuance of the conceptual approval permit, provided that a standard general or individual permit to construct the initial phase of construction is obtained, and construction of the initial phase has commenced within two years of the issuance of the conceptual approval permit.
8. The Department's issuance of this conceptual approval permit provides the conceptual approval permit holder with assurance that the concepts upon which the engineering and environmental designs are based are capable of providing for systems which meet Department rule criteria within the level of detail provided in the submitted plans and designs. A conceptual permit does not assure that a specific application for a construction permit will be granted. The issuance of this conceptual permit does not prevent the Department from requesting additional information during subsequent processing of construction applications. Future approvals shall be authorized only to the extent they are consistent with that information and the conditions of this conceptual approval permit. **Primary areas for concern for future construction permits include: type of land use, allowable discharge, wetland and other surface water impacts, detention/retention volumes, spoil disposal locations, dredged material dewatering, and results of elutriate and SPLP testing for mercury.**
9. In the event the permittee files for bankruptcy prior to completion of work permitted and required by this permit, the permittee must notify the Department within 30 days of filing. The notification shall identify the bankruptcy court and case number and shall include a copy of the bankruptcy petition.
10. The Department will require additional information in conjunction with the submittal of the subsequent Environmental Resource Permit Application for the construction phase of this project. At a minimum this information should include, but is not limited to, the following:
  - Engineered, signed, dated, and sealed 8.5" x 11" drawings (plan view and cross sectional views) for all proposed activities;
  - For dredging activities describe the method of excavation, characterization of material to be excavated, types of dredging equipment to be used, drafts when fully loaded, handling procedures, capacities of barges and dredges, access routes for transporting equipment and materials to and from the work site, locations of pipelines, existing and proposed bathymetry, vegetative surveys along all access routes and pipelines, referenced to mean or ordinary low water, stormwater treatment;
  - For dredged material disposal sites—include locations, sizes, designs, (maximum safe operating elevations and visual markers within disposal area indicating safe operating elevations) capacities, discharge locations, overflow weir designs, pumping rates and

- procedures, and handling procedures if offloading from barges, pre and post topography of disposal area, final disposal location of spoil;
- Plans for uses of dredged material, including plans for capping and retention of the dredged materials, and complete grain size analyses and chemical composition of the materials;
  - Location, description, and schedule of all temporary and permanent erosion, sediment and turbidity control measures to be implemented during each phase of construction/restoration, and all permanent control measures to be implemented in post-development conditions;
  - Show the delineation of the landward extent of wetlands and surface waters associated with the project site, determined in accordance with chapter 62-340, F.A.C.;
  - If polymers or other flocculating agents are proposed to be used provide, TEL and PEL levels of the additives, proposed dosages, maximum dosages, location of additive storage areas, proposed mechanism for monitoring construction water quality/chemistry, proposed use and final disposal location of spoil/additive combination, baseline chemistry of proposed project waterbody, and long term water quality monitoring;
  - Describe the source and type of fill material to be used for the creation of littoral zone/mangrove habitat restoration areas, and methods for stabilizing so as to prevent erosion, sedimentation, and filling of the adjacent wetlands or other surface waters;
  - Grading, design water levels, and planting details (species, densities, plant sizes, timing and maintenance) of all restoration/enhancement sites;
  - A description of monitoring proposed to evaluate the success of restoration and enhancement activities, including sampling techniques;
  - A copy of the proposed operation and maintenance plan, if applicable;
  - A copy of any wildlife surveys that have been conducted for the site, including a list of threatened, endangered and species of special concern (as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.), and the Federal Register that have been observed, are expected to use, and that have a potential for using the site;
  - Elutriate and SPLP testing of sediments for mercury.

12. Progress reports for the project shall be submitted to the Department beginning April 1, 2006, and shall continue to be submitted biannually until issuance of the construction permit for the conceptually approved activities. The cover page shall indicate the permit number, project name and the permittee name. Reports shall include the current project status and schedule for the following six months.

13. The permittee is responsible for retaining a professional engineer registered in any state to certify the construction of the project is in compliance with the approved permit plans.

#### **END OF SPECIFIC CONDITIONS**

## RIGHTS OF AFFECTED PARTIES

This permit is hereby granted. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under rule 62-110.106(4) of the Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

In accordance with rules 62-110.106(3)(a)(4), petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section

120.60(3) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

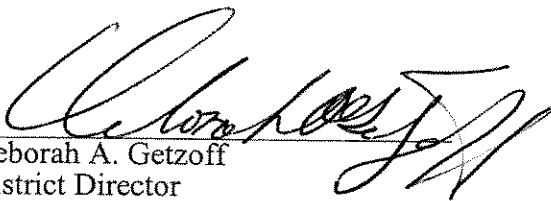
A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Under sections 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This permit constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under section 120.68 of the Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department. The applicant, or any party within the meaning of section 373.114(1)(a) or 373.4275 of the Florida Statutes, may also seek appellate review of the order before the Land and Water Adjudicatory Commission under section 373.114(1) or 373.4275 of the Florida Statutes. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Deborah A. Getzoff  
District Director  
Southwest District

DAG/am

Copies furnished to:  
DEP, Office of General Counsel  
U.S. Army Corps of Engineers, Tampa Regulatory Office  
Paul Karch, U.S. Army Corps of Engineers (Jacksonville Office)  
Glen Schuster, U.S. Army Corps of Engineers (Jacksonville Office)  
USFWS  
FFWCC  
City of Clearwater  
Pinellas County  
File

Permittee: Stevenson Creek Restoration  
Permit No: 52-0255101-001  
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CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and authorization to use sovereign submerged lands, including all copies, were mailed before the close of business on 2/21/06, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the  
Florida Statutes, with the designated Department Clerk,  
receipt of which is hereby acknowledged.

Clerk                      Date  
*Ch Robinson*      2/21/06

**Attachments:**

Joint ERP Application, 7 pages  
Project location Map, 1 page  
Project Drawings, 2 pages

## SECTION A

ACOE Application #  
Date Application Received  
Proposed Project Lat.  
Proposed Project Long.

### FOR AGENCY USE ONLY

DEP/WMD Application #  
Date Application Received  
Fee Received \$  
Fee Receipt #

#### PART 1:

Are any of the activities described in this application proposed to occur in, on, or over wetlands or other surface waters? ☐ yes ☒ no

Is this application being filed by or on behalf of a government entity or drainage district? ☒ yes ☐ no

#### PART 2:

A. Type of Environmental Resource Permit Requested (check at least one). See Attachment 2 for thresholds and descriptions.

- ☐ Noticed General - include information requested in Section B.
- ☐ Standard General (Single Family Dwelling) - include information requested in Sections C and D.
- ☐ Standard General (all other Standard General projects) - include information requested in Sections C and E.
- ☐ Individual (Single Family Dwelling) - include information requested in Sections C and D.
- ☒ Individual (all other Individual projects) - include information requested in Sections C and E.
- ☐ Conceptual - include information requested in Sections C and E.
- ☐ Mitigation Bank Permit (construction) - include information requested in Sections C and F. (If the proposed mitigation bank involves the construction of a surface water management system requiring another permit defined above, check the appropriate box and submit the information requested by the applicable section.)
- ☐ Mitigation Bank (conceptual) - include information requested in Sections C and F.

B. Type of activity for which you are applying (check at least one)

- ☒ Construction or operation of a new system, other than a solid waste facility, including dredging or filling in, on or over wetlands and other surface waters.
- ☐ Construction, expansion or modification of a solid waste facility.
- ☐ Alteration or operation of an existing system which was not previously permitted by a WMD or DEP.
- ☐ Modification of a system previously permitted by a WMD or DEP.  
Provide previous permit numbers:
  - ☐ Alteration of a system
  - ☐ Abandonment of a system
  - ☐ Removal of a system
  - ☐ Extension of permit duration
  - ☐ Construction of additional phases of a system

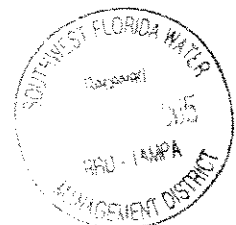
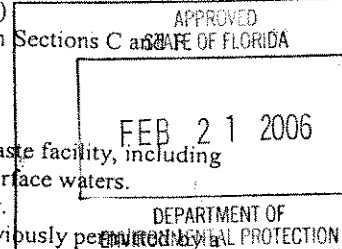
C. Are you requesting authorization to use Sovereign Submerged Lands?  
☐ yes ☒ no

(See Section G and Attachment 5 for more information before answering this question.)

D. For activities in, on, or over wetlands or other surface waters, check type of federal dredge and fill permit requested:

- ☐ Individual
- ☐ Nationwide
- ☐ Programmatic General
- ☒ Not Applicable
- ☐ General

E. Are you claiming to qualify for an exemption? ☐ yes ☒ no  
If yes, provide rule number if known. \_\_\_\_\_



<b>PART 3:</b>	
<b>A. OWNER(S) OF LAND</b>	<b>B. ENTITY TO RECEIVE PERMIT (IF OTHER THAN OWNER)</b>
Name	Name
	Richard E. Bonner, P.E.
Title and Company	Title and Company
	Deputy District Engineer, US Army Corps of Engineers
Address	Address
	P.O. Box 4970
City, State, Zip	City, State, Zip
	Jacksonville, FL 32232
Telephone and Fax	Telephone and Fax
	904-232-2586
<b>C. AGENT AUTHORIZED TO SECURE PERMIT</b>	<b>D. CONSULTANT (IF DIFFERENT FROM AGENT)</b>
Name	Name
Richard E. Bonner, P.E.	
Title and Company	Title and Company
Deputy District Engineer, US Army Corps of Engineers	
Address	Address
P.O. Box 4970	
City, State, Zip	City, State, Zip
Jacksonville, FL 32232	
Telephone and Fax	Telephone and Fax
904-232-2586	

**PART 4: (Please provide metric equivalent for federally funded projects):**

A. Name of Project, including phase if applicable: Stevenson Creek Ecosystem Restoration

B. Is this application for part of a multi-phase project?  
☐ yes ☒ no

C. Total applicant-owned area contiguous to the project?  
N/A ac.; \_\_\_\_\_ ha.

D. Total area served by the system: N/A ac.; \_\_\_\_\_ ha.

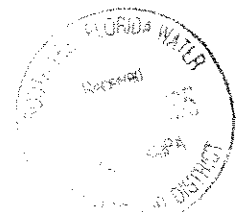
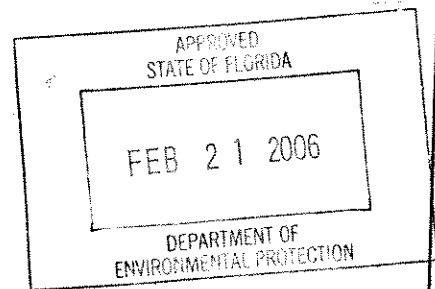
E. Impervious area for which a permit is sought: N/A ac.; \_\_\_\_\_ ha.

F. Volume of water that the system is capable of impounding:  
N/A ac. ft.; \_\_\_\_\_ m

G. What is the total area of work in, on, or over wetlands or other surface waters?  
 \_\_\_\_\_ ac.; \_\_\_\_\_ ha. \_\_\_\_\_ sq. ft.; \_\_\_\_\_ sq. m.

H. Total volume of material to be dredged: 132,500 yd; \_\_\_\_\_ m

I. Number of new boat slips proposed: N/A wet slips; \_\_\_\_\_ dry slips





PART 5:

Project location (use additional sheets if needed):

County(ies) Pinellas

Section(s) 4

Township 29 S

Range 15 E

Section(s) 3

Township 29 S

Range 15 E

Section(s)

Township

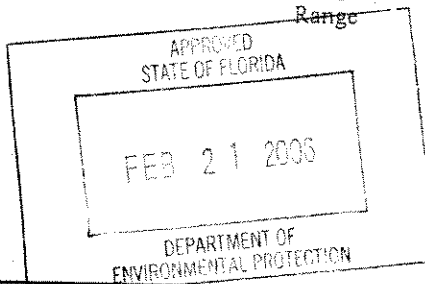
Range

Land Grant name, if applicable: N/A

Tax Parcel Identification Number: N/A

Street Address Road or other location: N/A

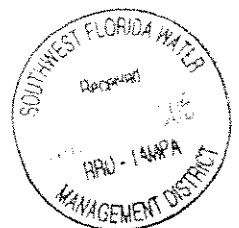
City, Zip Code, if applicable: Pinellas, FL



PART 6: Describe in general terms the proposed project, system, or activity.

Stevenson Creek is a 39.0 acre tidal estuary located in central Pinellas County on the Gulf Coast of Florida. The creek originates in the City of Clearwater and flows for about three miles where it discharges into the Intracoastal Waterway and Clearwater Harbor. Clearwater Harbor is designated by the state of Florida as an Outstanding Florida Water and part of the Pinellas County Aquatic Preserve. The creek drains a watershed area of approximately 6300 acres, 95% of which is developed. The specific reach of the river considered for this project is located between N. Fort Harrison Ave. and Pinellas Trail (Reach 1) and between Pinellas Trail and Douglas Ave. (Reach 2). Ecosystem restoration would occur at two sites along Stevenson Creek between N. Fort Harrison Ave. and Douglas Ave. Muck removal would occur within Reach 1 from bank to bank to a depth of -5.5 NGVD. Muck removal would occur within Reach 2 from bank to bank to a depth of -4.5 NGVD. Within Reach 1, two mangrove wetland shelves totaling 3.2 acres, would be created and planted with Red Mangrove (*Rhizophora germinans*) and/or Black Mangrove (*Rhizophora mangle*). Additionally, 1.0 acre of invasive (nuisance and exotic) species from the areas immediately adjacent to the North Fort Harrison Bridge, Pinellas Trail Bridge and Douglas Avenue bridge shorelines will be removed.

The environmental benefits consist of restoring approximately 27.92 aquatic habitat units. Dredging proposed for the estuary would remove a concentrated deposit of sediments, primarily muck. As a dredging design feature a 4.88 littoral shelf will be left and/or created along the shoreline. Restorative waterway benefits would be realized immediately in terms of increase velocity and circulation. Such actions would improve fish and wildlife values, in addition to, providing improvements in water quality, recreational public interest values, and general navigation. The project would also create manatee habitat and remove offensive odors.



PART 7:

A. If there have been any pre-application meetings, including on-site meetings, with regulatory staff, please list the date(s), location(s), and names of key staff and project representatives.

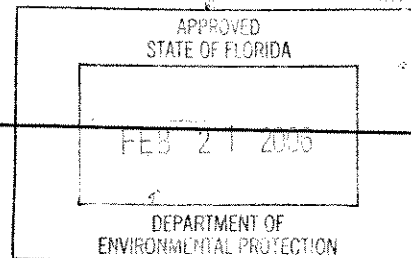
On December 9, 2004 a pre-application meeting was held at the Southwest Florida Water Management District office in Tampa which was attended by Michelle Hopkins, Bill Copeland, Mike Holtkamp, Elliot Shoberg, Al Carrier, Paul Karch and James McRae.

B. Please identify by number any MSSW/Wetland Resource/ERP/ACOE Permits pending, issued or denied for projects at the location, and any related enforcement actions.

Agency	Date	No./Type of Application	Action Taken
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

C. Note: The following information is required for projects proposed to occur in, on or over wetlands that need a federal dredge and fill permit or an authorization to use state owned submerged lands. Please provide the names, addresses and zip codes of property owners whose property directly adjoins the project (excluding application) and/or (for proprietary authorizations) is located within a 500 ft. radius of the applicant's land. Please attach a plan view showing the owner's names and adjoining property lines. Attach additional sheets if necessary.

- |      |    |
|------|----|
| 1.   | 2. |
| None |    |
| 3.   | 4. |
| 5.   | 6. |
| 7.   | 8. |



PART 8:

A. By signing this application form, I am applying, or I am applying on behalf of the applicant, for the permit and any proprietary authorizations identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that work prior to approval is a violation. I understand that this application and any permit issued or proprietary authorization issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction. I agree, or I agree on behalf of the applicant, to operate and maintain the permitted system unless the permitting agency authorizes transfer of the permit to a responsible operation entity. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

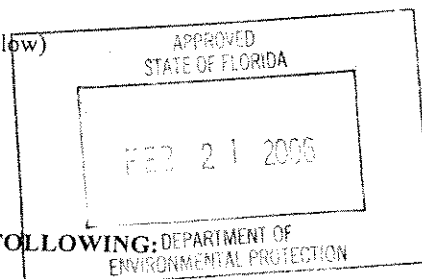
Richard E. Bonner, P.E., Deputy District Engineer, US Army Corps of Engineers

Typed/Printed Name of Applicant (If no Agent is used) or Agent (If one is so authorized below)

Signature of Applicant/Agent

Date

(Corporate Title if applicable)



**AN AGENT MAY SIGN ABOVE ONLY IF THE APPLICANT COMPLETES THE FOLLOWING:**

B. I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S. and 18 U.S.C. Section 1001.

Typed/Printed Name of Applicant

Signature of Applicant

Date

(Corporate Title if applicable)

Please note: The applicant's original signature (not a copy) is required above.

**PERSON AUTHORIZING ACCESS TO THE PROPERTY MUST COMPLETE THE FOLLOWING:**

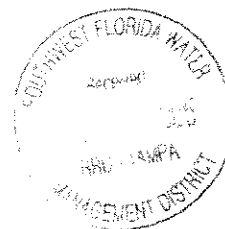
C. I either own the property described in this application or I have legal authority to allow access to the property, and I consent, after receiving prior notification, to any site visit on the property by agents or personnel from the Department of Environmental Protection, the Water Management District and the U.S. Army Corps of Engineers necessary for the review and inspection of the proposed project specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review and inspection. Further, I agree to provide entry to the project site for such agents or personnel to monitor permitted work if a permit is granted.

Typed/Printed Name of Applicant

Signature of Applicant

Date

(Corporate Title if applicable)



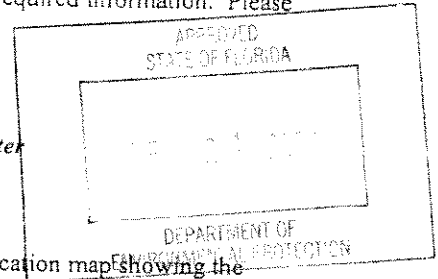
## SECTION C

### Environmental Resource Permit Notice of Receipt of Application

Note: this form does not need to be submitted for noticed general permits.

This information is required in addition to that required in other sections of the application. Please submit five copies of this notice of receipt of application and all attachments with the other required information. Please submit all information on 8 1/2" x 11" paper.

Project Name *Stevenson Creek Ecosystem Restoration Project*  
County *Pinellas*  
Owner *US Army Corps of Engineers and City of Clearwater*  
Applicant: *U.S. Army Corps of Engineers*  
Applicant's Address: *P.O. Box 4970 Jacksonville, FL 32232*



1. Indicate the project boundaries on a USGS quadrangle map. Attach a location map showing the boundary of the proposed activity. The map should also contain a north arrow and a graphic scale; show Section(s), Township(s), and Range(s); and must be of sufficient detail to allow a person unfamiliar with the site to find it. See Tab B.

2. Provide the names of all wetlands, or other surface waters that would be dredged, filled, impounded, diverted, drained, or would receive discharge (either directly or indirectly), or would otherwise be impacted by the proposed activity, and specify if they are in an Outstanding Florida Water or Aquatic Preserve:

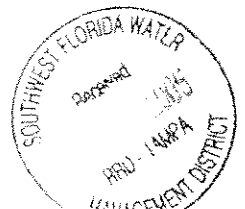
N/A

3. Attach a depiction (plan and section views), which clearly shows the works or other facilities proposed to be constructed. Use multiple sheets, if necessary. Use a scale sufficient to show the location and type of works. None.

4. Briefly describe the proposed project (such as "construct dock with boat shelter", "replace two existing culverts", "construct surface water management system to serve 150 acre residential development"):

Stevenson Creek is a 39.0 acre tidal estuary located in central Pinellas County on the Gulf Coast of Florida. The creek originates in the City of Clearwater and flows for about three miles where it discharges into the Intracoastal Waterway and Clearwater Harbor. Clearwater Harbor is designated by the state of Florida as an Outstanding Florida Water and part of the Pinellas County Aquatic Preserve. The creek drains a watershed area of approximately 6300 acres, 95% of which is developed. The specific reach of the river considered for this project is located between N. Fort Harrison Ave. and Pinellas Trail (Reach 1) and between Pinellas Trail and Douglas Ave. (Reach 2). Ecosystem restoration would occur at two sites along Stevenson Creek between N. Fort Harrison Ave. and Douglas Ave. Muck removal would occur within Reach 1 from bank to bank to a depth of -5.5 NGVD. Muck removal would occur within Reach 2 from bank to bank to a depth of -4.5 NGVD. Within Reach 1, two mangrove wetland shelves totaling 3.2 acres, would be created and planted with Red Mangrove (*Rhizophora germinans*) and/or Black Mangrove (*Rhizophora mangle*). Additionally, 1.0 acre of invasive (nuisance and exotic) species from the areas immediately adjacent to the North Fort Harrison Bridge, Pinellas Trail Bridge and Douglas Avenue bridge shorelines will be removed.

The environmental benefits consist of restoring approximately 27.92 aquatic habitat units. Dredging proposed for the estuary would remove a concentrated deposit of sediments, primarily muck. As a dredging design feature a 4.88 littoral shelf will be left and/or created along the shoreline. Restorative waterway benefits would be realized immediately in terms of increase velocity and circulation. Such actions would improve fish and wildlife values, in addition to, providing improvements in water quality, recreational public interest values, and general navigation. The project would also create manatee habitat and remove offensive odors.



5. Specify the acreage of wetlands or other surface waters, if any, that are proposed to be filled, excavated, or otherwise disturbed or impacted by the proposed activity:

filled \_\_\_ ac.; \_\_\_ excavated ac.;

other impacts None ac.

6. Provide a brief statement describing any proposed mitigation for impacts to wetlands and other surface waters (attach additional sheets if necessary): N/A

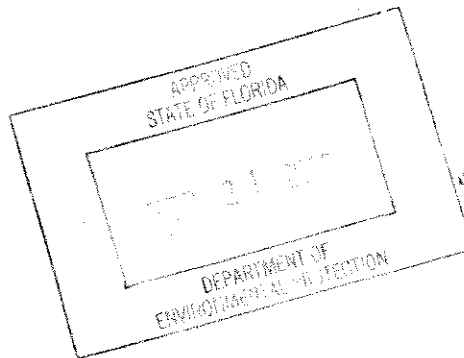
FOR AGENCY USE ONLY

Application Name:

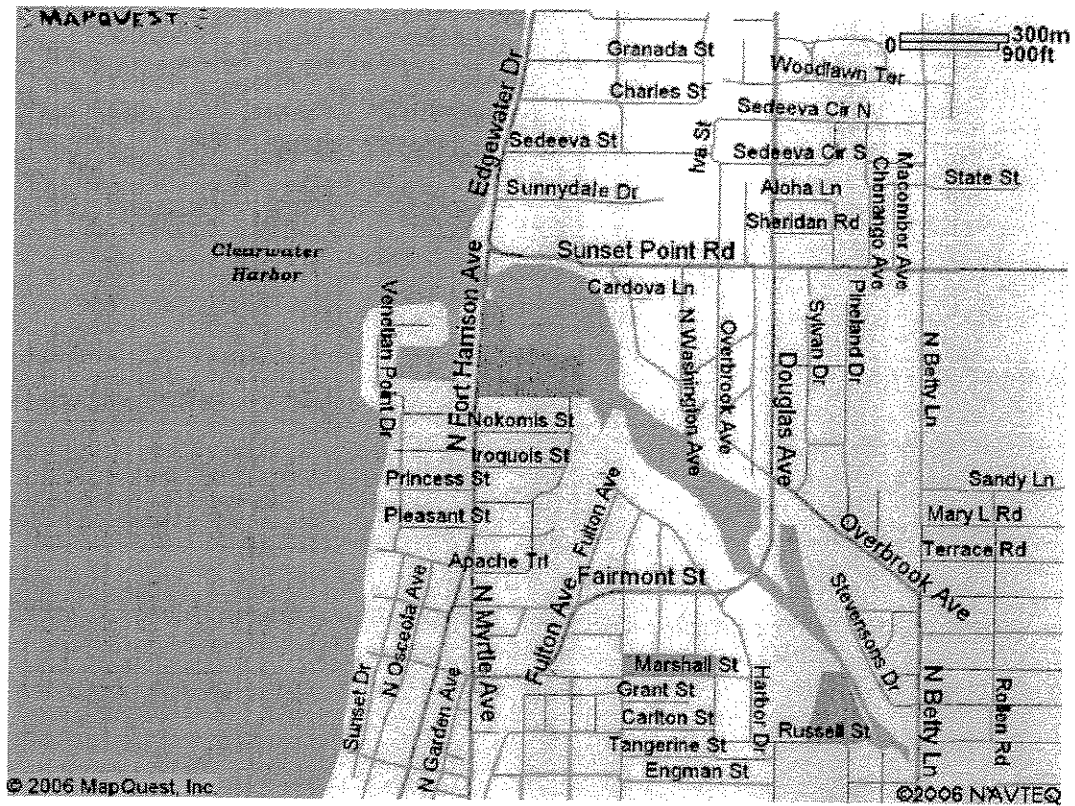
Application Number:

Office where the application can be inspected:

**Note to Notice recipient:** The information in this notice has been submitted by the applicant, and has not been verified by the agency. It may be incorrect, incomplete or may be subject to change.



# Project Location Map





SOUTHWEST FLORIDA  
 WATER MANAGMENT DISTRICT  
 WATER QUALITY CERTIFICATION

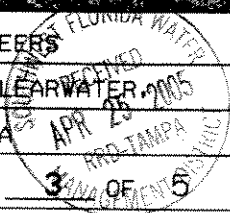
APPLICANT: U.S. ARMY CORPS OF ENGINEERS

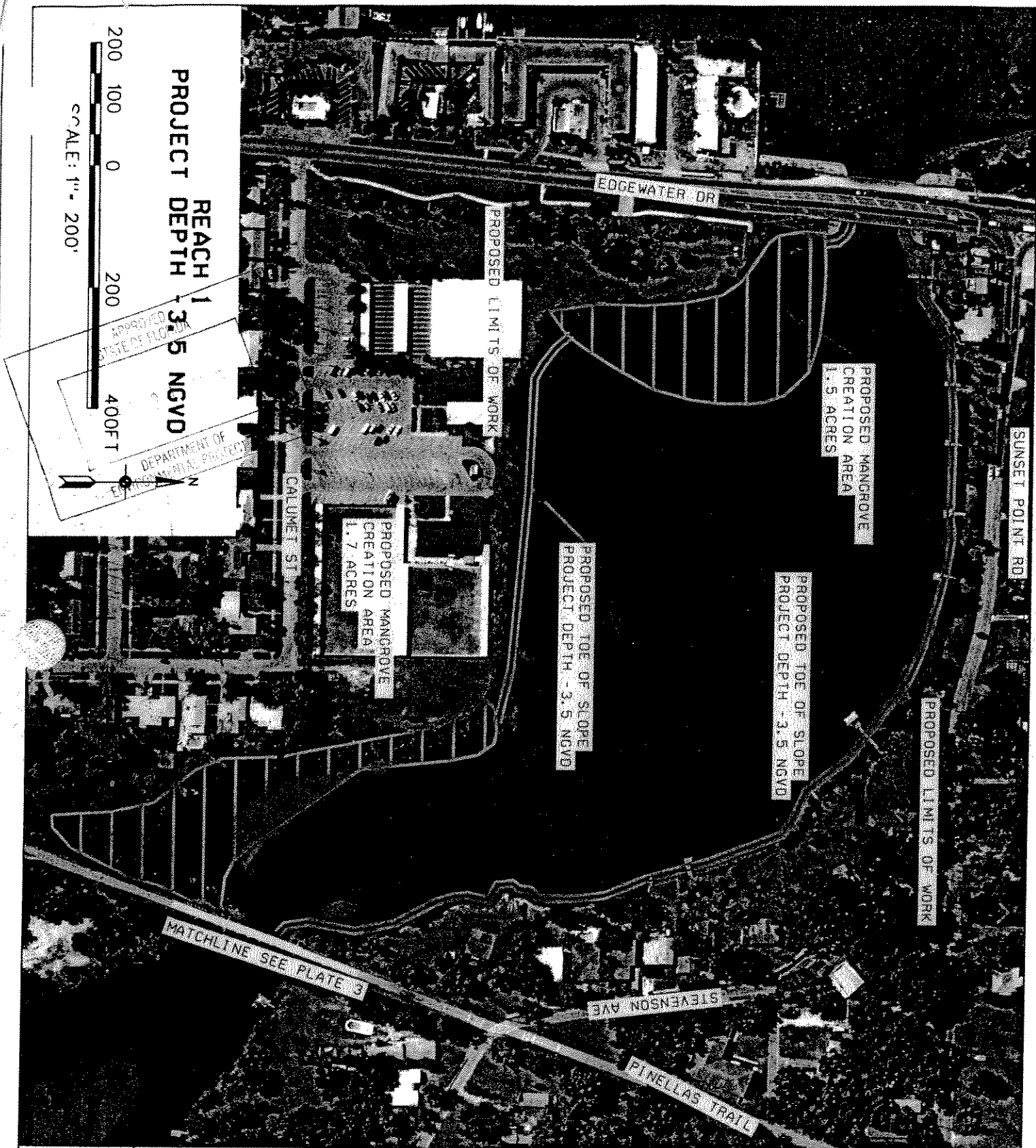
PROJECT: CONSTRUCTION DREDGING, CLEARWATER

PINELLAS COUNTY, FLORIDA

DATE: JANUARY 2005

SHEET 3 OF 5





SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT  
WATER QUALITY CERTIFICATION

APPLICANT: U.S. ARMY CORPS OF ENGINEERS

PROJECT: CONSTRUCTION DREDGING, CLEARWATER,  
PINELLAS COUNTY, FLORIDA

DATE: JANUARY 2005 SHEET 2 OF 5